

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/551,452	LI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SUE LIU	1639	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to claim amendments filed on 12/23/09.
2. ☒ The allowed claim(s) is/are 1-4 and 9-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>2/2/10</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                  |
|  | 9. <input type="checkbox"/> Other ____.  |

/SUE LIU/  
Primary Examiner, Art Unit 1639



### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jenny Chen on 2/2/2010. (Also see the attached Interview Summary).

The application has been amended as follows:

Please insert the following in the **first line** of the instant **specification**:

"This application is the U.S. National Stage of International Application No. PCT/CA04/00482, filed March 31, 2004, which claims benefit of United States Provisional applications 60/458,409 filed March 31, 2003."

**Claim 1** is rewritten as follows:

**"A method for selecting an aptamer capable of binding to a target, said method comprising the steps of: i) interacting an antisense oligonucleotide having the nucleotide sequence of SEQ ID NO: 1 and being adapted to be attached to a solid support with an oligonucleotide library containing multiple oligonucleotides, each of which includes an antisense binding domain having a sequence complementary to SEQ ID NO: 1 and a random nucleotide domain, wherein the antisense oligonucleotide and the oligonucleotides**

Art Unit: 1639

**in the library form double stranded duplexes, ii) immobilizing the duplexes on a solid support; iii) incubating the duplexes in the presence of the target; and iv) collecting library oligonucleotides that dissociate from the duplexes and bind to the target.”**

**Claim 4** is rewritten as follows:

**“A method for the selection of an aptamer specific for a target, said method comprising the steps of: i) providing an oligonucleotide library containing multiple oligonucleotides, each of which includes an antisense binding domain having a sequence complementary to SEQ ID NO: 1, at least one random sequence domain, a 3' primer binding domain and a 5' primer binding domain; ii) hybridizing the oligonucleotides in the library to a biotinylated antisense oligonucleotide having the nucleotide sequence of SEQ ID NO:1 to form duplex molecules on beads; iii) incubating the beads of ii) with the target; iv) collecting oligonucleotides which have bound to the target; and v) amplifying the collected oligonucleotides.”**

### **Rejoinder**

2. The instant claims 1-4 have been rejoined with claims 9-20 according to *In re Ochiai*. Thus, the requirement for restriction between the product claims and the rejoined process claims have been withdrawn.

### **Contact Information**

Art Unit: 1639

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Liu whose telephone number is 571-272-5539. The examiner can normally be reached on M-F 9am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached at 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sue Liu/  
Primary Examiner, AU 1639  
2/2/10